



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD-NF
3437 Airport Way, Suite 206
Fairbanks, Alaska 99709-4777

PUBLIC NOTICE DATE: April 6, 2007

EXPIRATION DATE: April 20, 2007

REFERENCE NUMBER: POA-2007-489-4

WATERWAY: Tanana River

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Alaska Department of Transportation and Public Facilities, 2301 Peger Road, Fairbanks, Alaska 99709.

AGENT: Bruce Campbell, Environmental Coordinator, Alaska Department of Transportation and Public Facilities, 2301 Peger Road, Fairbanks, Alaska 99709 907-451-2238.

LOCATION: The proposed project is located along the Richardson Highway between Mileposts (MP) 265-341. Wetland impacts will occur in two locations:

- 1) MP 280-281 within section 16, T. 8 S., R. 9 E., Fairbanks Meridian; Latitude 64.2156° N., Longitude 145.9649° W., approximately twelve miles west of Delta Junction, Alaska; and
- 2) MP 298-299 within section 24, T. 7 S., R. 6 E., Fairbanks Meridian; Latitude 64.2883° N., Longitude 146.4679° W., approximately seven miles east of Birch Lake, Alaska.

PURPOSE: The applicant's stated purpose is to increase passing opportunity and safety along the Richardson Highway, while decreasing unsafe passing pressure.

WORK: The applicant proposes to place approximately 15,000 cubic yards (CY) of fill material into approximately 4.5 acres of wetlands as part of the construction of six passing lanes along the Richardson Highway in accordance with the attached plans, sheets 1-3, dated January 2007, and sheets 4-5, dated March 2007.

ADDITIONAL INFORMATION: Two of the six passing lanes would impact wetlands (MP 280-281 & MP 298-299). Each passing lane would be 12-feet wide with a 4-foot wide shoulder and approximately 4,000-5,100 feet in length. The passing lane at MP 280-281 would impact broad leaved deciduous scrub shrub and forested wetlands. Wetlands impacted at MP 298-299 would include grass, shrub, black spruce habitat, and black spruce forest adjacent to an old dry channel of the Tanana River.

The contractor would supply all materials for the proposed project. No material source has been identified at this time.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are two unevaluated properties in the vicinity of the worksites: **AHRs #XBD-00092 - UA76-262 Mile 281.6 Richardson Highway at MP 280-281, and site #XBD-00028 - Canyon Creek Site (Paleontological/Prehistoric) at MP 298-299. Both are listed as no determination of eligibility (NDE).** Because the property has been determined to lie near the project area, a determination of eligibility and, if needed, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO). Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the construction of the passing lanes.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and

its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Benjamin Soiseth at (907) 474-2166 or by email at **Benjamin.N.Soiseth@poa02.usace.army.mil** if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

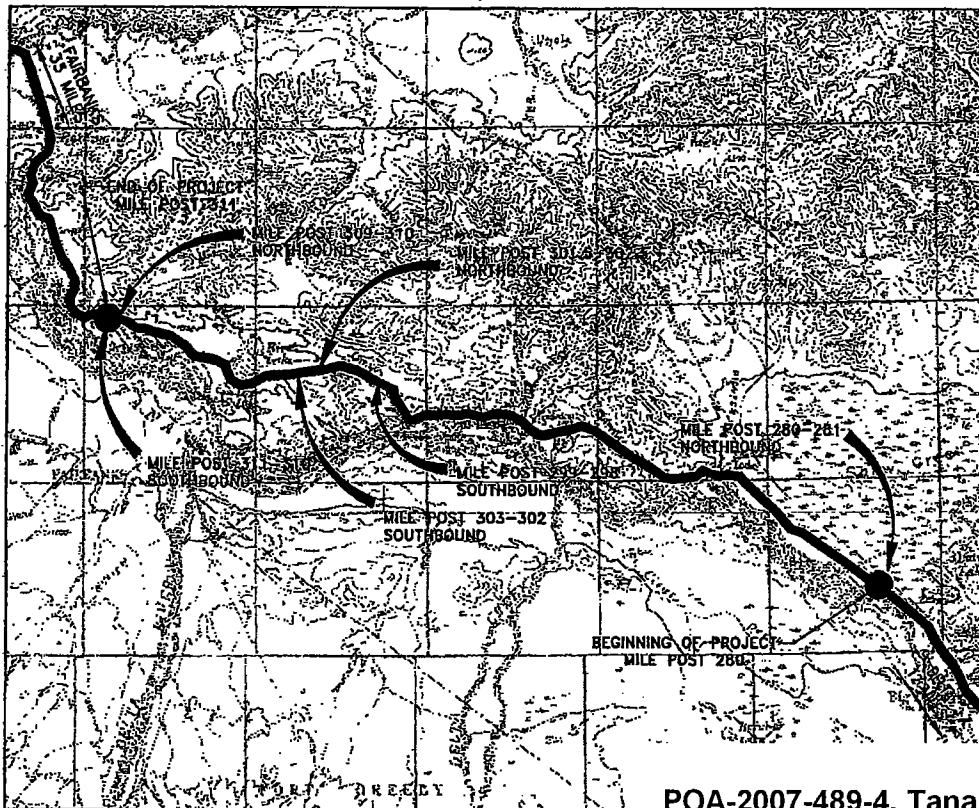
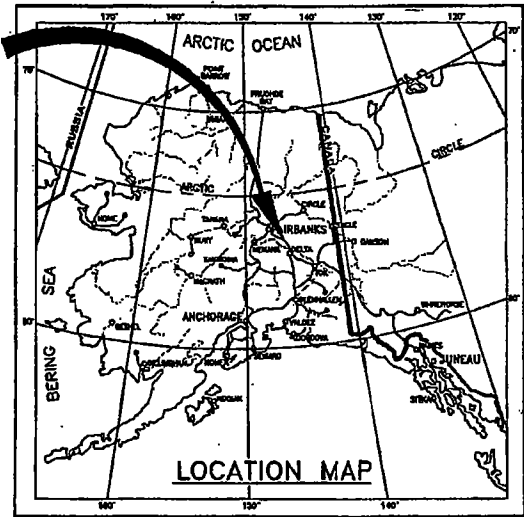
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No POA 2007 489 4, Tanana River serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 15 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-6281
FAX: (907) 269-7508

PROJECT
LOCATION



POA-2007-489-4, Tanana River

VICINITY MAP

FAIRBANKS MERIDIAN, ALASKA
T7S R5E SECTIONS 4,5,9,&10
T7S R6E SECTIONS 9,15,16,19&24
T7S R7E SECTION 21
T8S R9E SECTIONS 16,21&22

STATE OF ALASKA

Department of Transportation and Public Facilities

APPLICANT/AGENT: Bruce Campbell
2301 Peger Rd. Fairbanks, Ak 99709

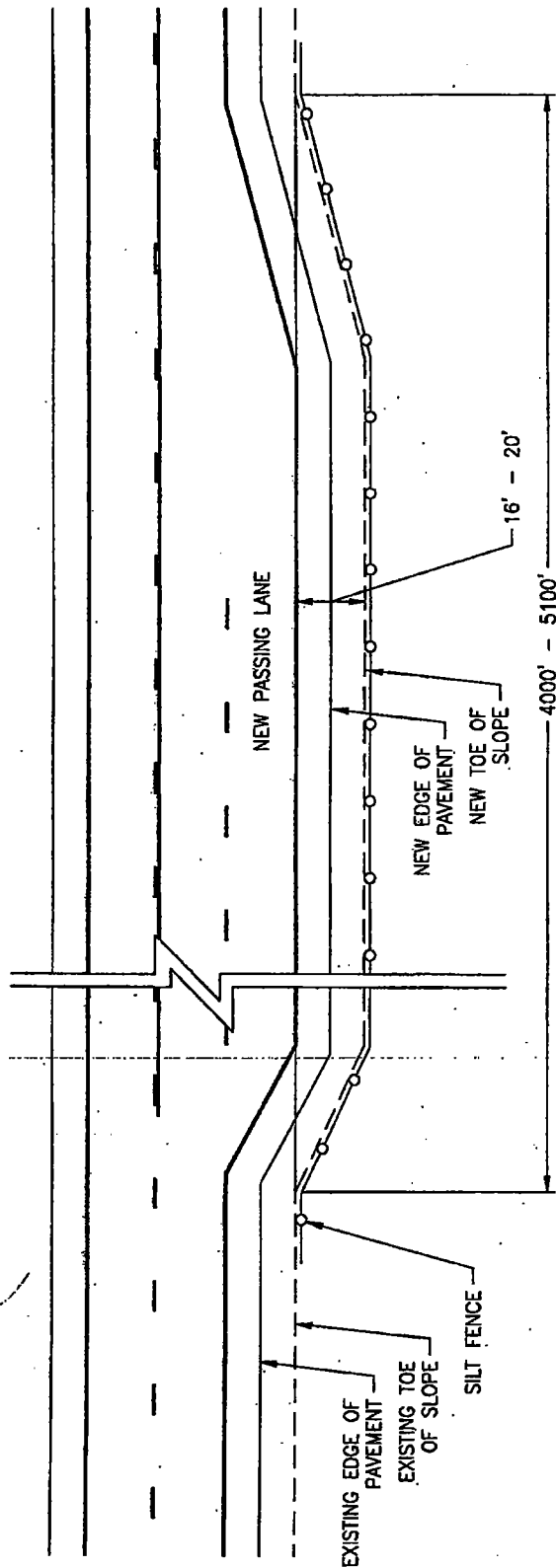
RICHARDSON HIGHWAY MP 265-341 PASSING LANE
62074

VICINITY MAP

RICHARDSON HIGHWAY / DELTA

DATE: JANUARY 2007 Sheet 1

Q:\roads\62074 Rich Pass\Environmental\WETLANDS-CORPS Wed 31-Jan-07 11:41am



POA-2007-489-4, Tanana River

STATE OF ALASKA
Department of Transportation and Public Facilities
APPLICANT/AGENT: Bruce Campbell
2301 Peger Rd. Fairbanks, Ak 99709

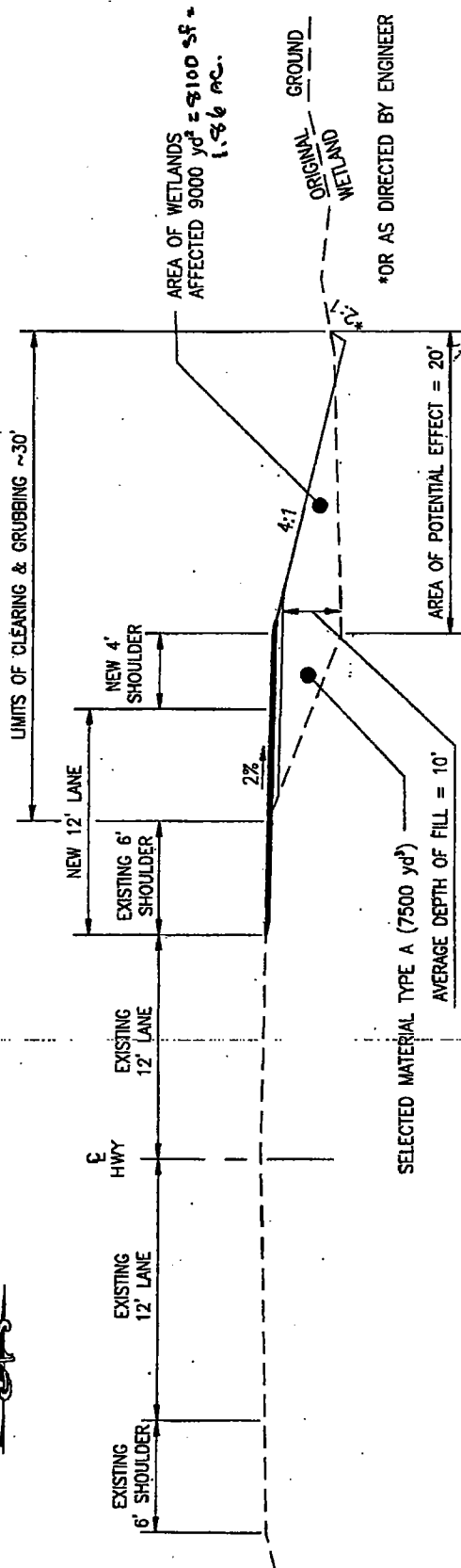
RICHARDSON HIGHWAY MP 265-341 PASSING LANE
62074
TYPICAL PLAN VIEW

RICHARDSON HIGHWAY / DELTA

DATE: JANUARY 2007

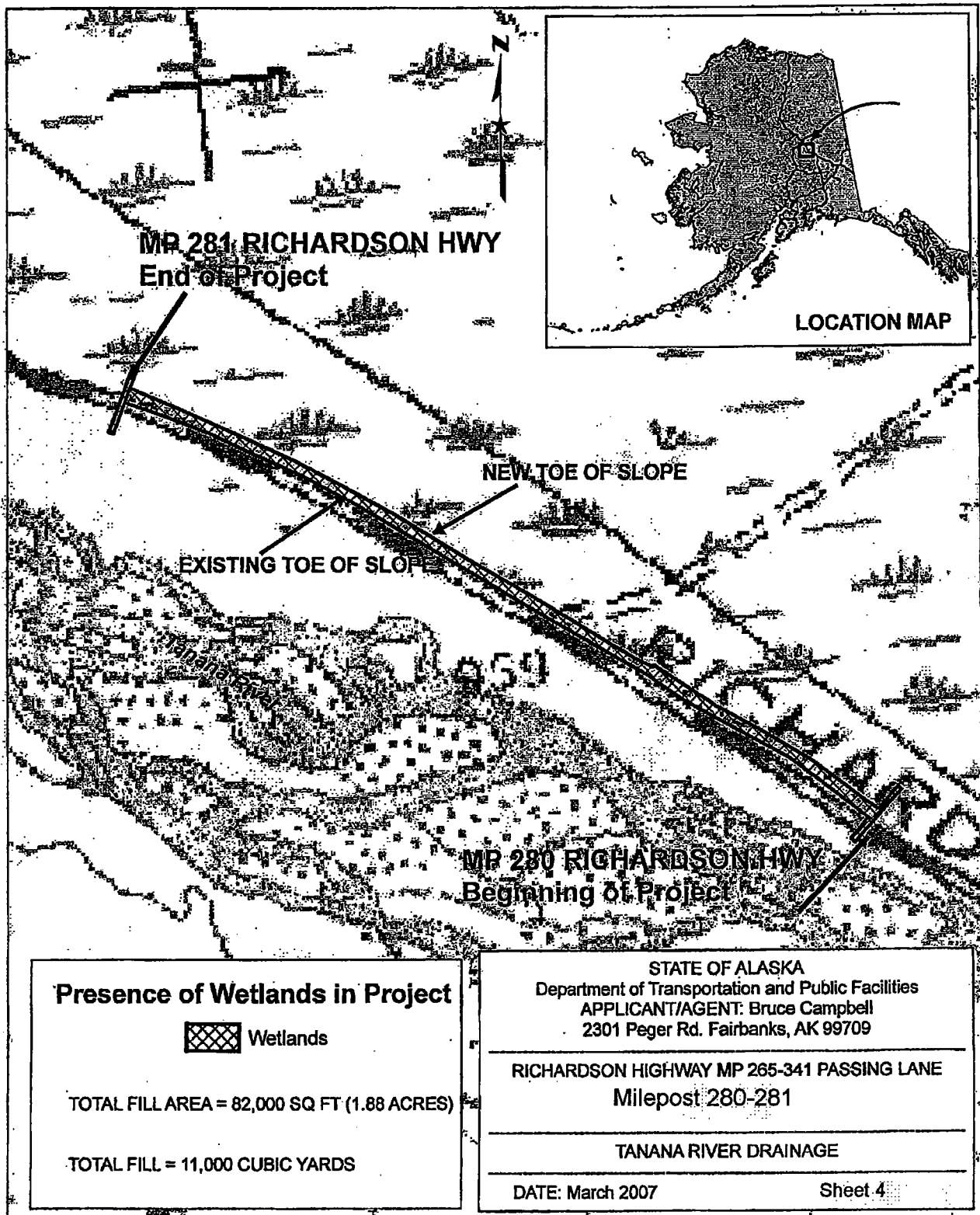
Sheet 2

Q:\roads\62074 Rich Pass\Environmental\Enviro Drawings mod-3 Wed, 31/Jun/07 11:15am



POA-2007-489-4, Tanana River

STATE OF ALASKA Department of Transportation and Public Facilities APPLICANT/AGENT: Bruce Campbell 2301 Peger Rd. Fairbanks, Ak 99709	
RICHARDSON HIGHWAY MP 265-341 PASSING LANE 62074 TYPICAL ELEVATION VIEW	
RICHARDSON HIGHWAY / DELTA TO EIELSON	
DATE:	JANUARY 2007
	Sheet 3



POA-2007-489-4, Tanana River

